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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/812,438
Filing Date: March 20, 2001
Appellant(s): MIYAHIRA, TOMOHIRO

Ido Tuchman (Reg. No.45,924)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 9/7/2005 appealing from the Office action mailed 4/7/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,987,454	HOBBS	11-1999
6,205,432	GABBARD ET AL	03-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-7, 11-16, 18, 20, 22, 24, 25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Hobbs et al. (hereafter Hobbs), U.S. pat. No. 5,987,454.

As to claim 1, Hobbs discloses a network system comprising:

a client (204 fig.4) for browsing web pages (browsing web documents) and a server (document server 202 fig.4) for providing a function to perform a predetermined process for said web pages (providing web document in response to requests from clients, see col.13 line 66 to col.14 line 24);

a web server (server 211 fig.4) for storing a web page (a web or HTML document) that includes a function execution request object (request headers) which is used to request that a process be performed by said function providing server, wherein said client obtains (receiving request headers) from said web server (server 211 fig.4), said web page that includes said function execution request object (see col.14 line 25 to col.16 line 2);

wherein said function execution request object included in said web page is selected, said client designates the storage location (selecting a data warehouse 230 fig.4 for the requests) for a target web page and transmits a process execution request to said function providing server (see col.15 lines 3-28);

wherein, upon the receipt of said process execution request from said client, said function providing server obtains said target web page based on said storage location (data warehouse 230 fig.4) that is designated by said process execution request, performs a pertinent process for said target web page (web documents) that is obtained and returns the resultant web page to said client that issued said process execution request (sending back the web documents clients' browsers, see fig.5, col.15 lines 29-63 and col.16 line 34 to col.17 line 32); and

wherein the function execution request object is one of a button, a banner a linking

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keyword, and an image data (implementing servers to insert a various types of content such as words, video data, images and sentences into a web document request, see Hobbs' fig.5, col.15 lines 7-63).

As to claim 2, Hobbs discloses that when issuing said process execution request (executing CGI applications), said client designates the type of process (a menu of choices to be displayed) to be performed, and said function providing server performs said designated process for an obtained web page (see col.16 lines 21-59 and col.17 lines 2-31).

As to claim 3, Hobbs discloses that when said obtained web page is linked with another web page (linking frames with the HTML documents), said function providing server also obtains a web page at a linking destination and performs a process for said obtained web page (see fig.8, col.18 line 49 to col.19 line 53 and col.24 lines 23-51).

As to claim 5, Hobbs discloses a server (211 fig.4), for receiving an execution request from a client (203 fig.4) and for performing a predetermined function in consonance with said execution request, comprising:

a command analyzer (proxy server 207 fig.4) for, in response to the selection of a function execution request object that is included in a web page displayed by said client (203 fig.4) and that is used to request that said server execute a process, accepting and analyzing an execution request that is received by said server and that includes

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information concerning a storage location (230 fig.4) for a target web page that is to be processed (providing web requests to clients, see col.13 line 66 to col.14 line 24);

a web page acquisition unit (document server 202 fig.4) for obtaining said target web page based on said information that is included in said execution request concerning said storage location (230 fig.4) for said target web page (see col.14 line 25 to col.15 line 28);

a web page converter (using a gateway is any application program that receives data from a browser or other HTTP server converts it into a form the database can understand) for performing a predetermined conversion process for said target web page that is obtained (see fig.5, col.13 lines 41-65 and col.15 lines 29-57);

wherein the function execution request object is one of a button, a banner a linking keyword, and an image data (implementing servers to insert a various types of content such as words, video data, images and sentences into a web document, see Hobbs' fig.5, col.15 lines 7-63).

As to claim 6, Hobbs discloses a transmission unit for returning, to said client, the resultant web page obtained by the performance of said conversion process (preparing and providing HTML documents for publication on the World Wide Web, see fig.5, col.15 line 29 to col.16 line 34).

As to claim 7, Hobbs discloses that said obtained web page is linked with another web page, said web page acquisition unit also obtains a web page at a linking destination

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and wherein said web page converter performs said predetermined conversion process (converting into appropriate forms) for said web page at said linking destination that is obtained by said web page acquisition unit (see fig.5, col.15 line 29 to col.16 line 59 and col.24 lines 13-51).

As to claim 11, Hobbs discloses a web server (document server 202 fig.4), for storing a web page that is browsed by means of a communication network, comprises:

storage means (230 fig.4) for storing a web page, including both a description of a URL for a function providing server (202 fig.4), which performs a translating process for a web page, and a description of an option for obtaining a URL for a web page that is inserted into said web server (202 fig.4) (providing web requests to clients, see col.13 line 66 to col.14 line 24), the translating process configured to translate, at least in part, the web page from a first language to a second language (receiving data from a browser or other HTTP server and converting it into a form the database can understand, see fig.3, col.13 lines 18-65 and col.15 lines 29-66); and

communication control means (211 fig.4) for accepting a request to browse a web page (browsing web documents) and for returning said web page to the source that transmitted said request (sending back to clients' browsers the web documents, see fig.5, col.15 lines 29-63 and col.16 line 34 to col.17 line 32).

As to claim 12, Hobbs discloses a web page (fig.7) comprising:

a first script (frame 400 fig.7 containing HTML codes which call for documents), for displaying a function execution request object on a web page (see fig.7, col.17 line 49 to col.18 line 31);

and a second script (performed in response to the selection of said function execution request object on said web page, which is displayed by predetermined display means (frames display), for obtaining the URL of said web page and for transmitting the URL (transmitting HTML documents or hyperlinks to clients according to their requests) to a function providing server (proxy server) that has been registered in advance (see col.18 line 32 to col.19 line 39);

wherein the function execution request object is one of a button, a banner a linking keyword, and an image data (implementing servers to insert a various types of content such as words, video data, images and sentences into a web document, see Hobbs' fig.5, col.15 lines 29-63).

As to claim 13, Hobbs discloses a data processing method for receiving an execution request from a client and for performing a predetermined process in consonance with the execution request comprising the steps of:

analyzing, in response to the selection of a function execution request object that is included in a web page displayed by said client and that is used to request that said server execute a process, an execution request that is received by said server and that includes information concerning a storage location for a target web page that is to be processed (providing web requests to clients, see col.13 line 66 to col.14 line 24);

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obtaining said target web page based on the information, which is included in said execution request, concerning said storage location for said target web page (see col.14 line 25 to col.15 line 28) and performing a predetermined conversion process for said target web page that is obtained (using a gateway is any application program that receives data from a browser or other HTTP server converts it into a form the database can understand) (see fig.5, col.13 lines 41-65 and col.15 lines 29-57);

wherein the predetermined conversion process includes a translating process configured to translate, at least in part, the web page from a first language to a second language (receiving data from a browser or other HTTP server and converting it into a form the database can understand, see fig.3, col.13 lines 18-65 and col.15 lines 7-66).

As to claim 14, Hobbs discloses storage medium on which input means of a computer stores a computer-readable program, which permits said computer to perform:

analyzing, in response to the selection of a function execution request object that is included in a web page displayed by said client and that is used to request that said server execute a process, an execution request that is received by said server and that includes information concerning a storage location for a target web page that is to be processed (providing web requests to clients, see col.13 line 66 to col.14 line 24);

obtaining said target web page based on the information, which is included in said execution request, concerning said storage location for said target web page (see col.14 line 25 to col.15 line 28) and performing a predetermined conversion process for said target web page that is obtained (using a gateway is any application program that

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receives data from a browser or other HTTP server converts it into a form the database can understand, see fig.5, col.13 lines 41-65 and col.15 lines 29-57);

wherein the function execution request object is one of a button, a banner a linking keyword, and an image data (implementing servers to insert a various types of content such as words, video data, images and sentences into a web document, see Hobbs' fig.5, col.15 lines 29-63).

As to claim 15, Hobbs discloses a storage medium on which input means of a computer stores a script written in a source of a web page, said script includes:

a first script (frame 400 fig.7 containing HTML codes which call for documents), for displaying a function execution request object on a web page (see fig.7, col.17 line 49 to col.18 line 31);

and a second script, performing in response to the selection of said function execution request object on said web page, which is displayed by predetermined display means (frames display), for obtaining the URL of said web page and for transmitting the URL (transmitting HTML documents or hyperlinks to clients according to their requests) to a function providing server (proxy server) that has been registered in advance (see col.18 line 32 to col.19 line 39);

wherein the function execution request object is one of a button, a banner a linking keyword, and an image data (implementing servers to insert a various types of content such as words, video data, images and sentences into a web document, see Hobbs' fig.5, col.15 lines 7-63).

As to claim 16, Hobbs discloses a program transmission apparatus comprising:

storage means for storing a first script (frame 400 fig.7 containing HTML codes which call for documents), for displaying a function execution request object on a web page (see fig.7, col.17 line 49 to col.18 line 31);

and a second script, performed in response to the selection of said function execution request object on said web page, which is displayed by predetermined display means (frames display), for obtaining the URL of said web page and for transmitting the URL (transmitting HTML documents or hyperlinks to clients according to their requests) to a function providing server (proxy server) that has been registered in advance and transmission means for reading said first and said second scripts from said storage means and for transmitting said first and said second scripts (see col.18 line 32 to col.19 line 39 and col.20 lines 9-67);

wherein the function execution request object is one of a button, a banner a linking keyword, and an image data (implementing servers to insert a various types of content such as words, video data, images and sentences into a web document, see Hobbs' fig.5, col.15 lines 29-63).

As to claim 18, Hobbs discloses the execution request object includes an indicia of a first language and a second language and the pertinent process includes a translating process to translate at least in part the web page from the first language to the second language (using a gateway is any application program that receives data from a

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browser or other HTTP server converts it into a form the database can understand, see fig.5, col.13 lines 41-65 and col.15 lines 29-57).

As to claim 20, Hobbs discloses the execution request object includes an indicia of a first language and a second language and the pertinent process includes a translating process to translate at least in part the web page from the first language to the second language (using a gateway is any application program that receives data from a browser or other HTTP server converts it into a form the database can understand, see fig.5, col.13 lines 41-65 and col.15 lines 29-57).

As to claim 22, Hobbs discloses the execution request object includes an indicia of a first language and a second language and the pertinent process includes a translating process to translate at least in part the web page from the first language to the second language (using a gateway is any application program that receives data from a browser or other HTTP server converts it into a form the database can understand, see fig.5, col.13 lines 41-65 and col.15 lines 29-57).

As to claim 24, Hobbs discloses the execution request object includes an indicia of a first language and a second language and the pertinent process includes a translating process to translate at least in part the web page from the first language to the second language (using a gateway is any application program that receives data from a

browser or other HTTP server converts it into a form the database can understand, see fig.5, col.13 lines 41-65 and col.15 lines 29-57).

As to claim 25, Hobbs discloses the execution request object includes an indicia of a first language and a second language and the pertinent process includes a translating process to translate at least in part the web page from the first language to the second language (using a gateway is any application program that receives data from a browser or other HTTP server converts it into a form the database can understand, see fig.5, col.13 lines 41-65 and col.15 lines 29-57).

As to claim 28, Hobbs discloses the execution request object includes an indicia of a first language and a second language and the pertinent process includes a translating process to translate at least in part the web page from the first language to the second language (using a gateway is any application program that receives data from a browser or other HTTP server converts it into a form the database can understand, see fig.5, col.13 lines 41-65 and col.15 lines 29-57).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hobbs in view of Gabbard et al.(hereafter Gabbard), U.S. Pat. No.6,205,432.

As to claim 4, Hobbs' teachings still applied as in item 3 above. Hobbs further suggests servers to insert a various types of content such as words, video data, images, sentences into a web document (see Hobbs' fig.5, col.15 lines 29-63). Hobbs does not specifically disclose inserting predetermined advertisement contents. However, Gabbard in the same web services environment discloses inserting predetermined advertisement contents (advertisement is inserted into the message and stored at server, see fig.5, col.10 line 27 to col.11 line16). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Gabbard's feature into the computer system of Hobbs to process users' requests because it would have allowed users to insert into an end user communication message into the background reference after receiving the original message sent from an end user and before sending the message to be delivered to an end user (see Gabbard's col.4 lines 12-36).

As to claim 8, Hobbs discloses conversion process for said target web page that is obtained (using a gateway is any application program that receives data from a browser or other HTTP server converts it into a form the database can understand) (see fig.5, col.13 lines 41-65 and col.15 lines 29-57). Hobbs further suggests servers to insert a

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various types of content such as words, video data, images, sentences into a web document (see Hobbs' fig.5, col.15 lines 29-63). Hobbs does not specifically disclose inserting predetermined advertisement contents. However, Gabbard in the same web services environment discloses inserting predetermined advertisement contents (advertisement is inserted into the message and stored at server, see fig.5, col.10 line 27 to col.11 line16). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Gabbard's feature into the computer system of Hobbs to process users' requests because it would have allowed users to insert into an end user communication message into the background reference after receiving the original message sent from an end user and before sending the message to be delivered to an end user (see Gabbard's col.4 lines 12-36).

As to claim 9, Hobbs discloses that the content type based on the type of processing that said web page converter performs for said web page conversion process (using a gateway is any application program that receives data from a browser or other HTTP server converts it into a form the database can understand) (see fig.5, col.13 lines 41-65 and col.15 lines 29-57). Hobbs further suggests servers to insert a various types of content such as words, video data, images, sentences into a web document (see Hobbs' fig.5, col.15 lines 29-63). Hobbs does not specifically disclose inserting predetermined advertisement contents. However, Gabbard in the same web services environment discloses inserting predetermined advertisement contents (advertisement is inserted into the message and stored at server, see fig.5, col.10 line 27 to col.11

line16). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Gabbard's feature into the computer system of Hobbs to process users' requests because it would have allowed users to insert into an end user communication message into the background reference after receiving the original message sent from an end user and before sending the message to be delivered to an end user (see Gabbard's col.4 lines 12-36).

As to claim 10, Hobbs discloses that the content type based on a keyword that is extracted from said web page (using keywords to help people to search tips, see col2 lines 25-51 and col.15 lines 29-57). Hobbs further suggests servers to insert a various types of content such as words, video data, images and sentences into a web document (see Hobbs' fig.5, col.15 lines 29-63). Hobbs does not specifically disclose inserting predetermined advertisement contents. However, Gabbard in the same web services environment discloses inserting predetermined advertisement contents (advertisement is inserted into the message and stored at server, see fig.5, col.10 line 27 to col.11 line16). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Gabbard's feature into the computer system of Hobbs to process users' requests because it would have allowed users to insert into an end user communication message into the background reference after receiving the original message sent from an end user and before sending the message to be delivered to an end user (see Gabbard's col.4 lines 12-36).

(10) Response to Argument

Appellant has chosen to group the claims into 2 groups for argument:

Group I: Claims 1-3, 5-7, 11-16, 18, 20, 22, 24, 25 and 28.

Group II: Claims 4 and 8-10.

Regarding Group I, pages 2-15 of the Appeal Brief are directed to these claims.

1. In argument of claim 1, pages 3-6 of the Appeal Brief:

- The Appellant asserts that the Hobbs's server (211 fig.4) is analogous to the Applicant's Web Server.

Examiner respectfully disagrees. In the claim language, the Appellant claims the Web server as a server for storing a web page that includes a function execution request object which is used to request that a process be performed by said function providing server (first server). Examiner respectfully point out that Hobbs discloses the Appellant claimed invention by disclosing a web server (database server 211 fig.4) for storing a web page (a web or HTML document) that includes a function execution request object (request headers) which is used to request that a process be performed by said function providing server (document server 202 fig.4) (see col.14 line 25 to col.16 line 2). The Hobbs' database server is functionally equivalent to Appellant's Web Server because both servers provide a web page in response to requests from another server.

- The Appellant asserts that Hobbs does not disclose a function providing server for obtaining said target web page based on said storage location that is designated by said process execution request, performs a pertinent process for said target web page that is obtained and returns the resultant web page to said client that issued said process execution request.

Examiner respectfully points out that Hobbs do discloses a server (document server 202 fig.4) coupled to client (203 fig.4) for providing web document in response to requests from clients (see col.13 line 66 to col.14 line 24). In particular, Hobbs discloses the function providing server (document server 202 fig.4) for obtaining said target web page based on said storage location (data warehouse 230 fig.4) that is designated by said process execution request, performs a pertinent process for said target web page (web documents) that is obtained and returns the resultant web page to said client that issued said process execution request (sending back the web documents clients' browsers upon requests, see fig.5, col.15 lines 29-63 and col.16 line 34 to col.17 line 32).

- The Appellant asserts that Hobbs does not disclose the function execution request object is *one* of a button, a banner a linking keyword, and an image data.

Examiner respectfully point out that Hobbs disclose the function execution request object (request header from client) is one of a button, a banner, a linking keyword, and an image data [i.e., user at the client browser to send request headers to the third network resource such as Database Server (211 fig.4)]; the request header includes a series of frames, graphic symbols, *buttons* and a various types of content such as words, video data, *images* and sentences into a web document (see Hobbs' fig.5, col.15 lines 7-63). The request header of Hobbs meets the Appellant's claimed limitation because Hobbs discloses a request including a button and/or image data.

2. In argument of claim 2, page 6 of the Appeal Brief:

- The Appellant asserts that the Hobbs reference does not disclose the type of process to be performed.

Examiner respectfully point out that Hobbs discloses the Appellant claimed invention by executing CGI applications, the client (204 fig.4) designates the type of process (a menu of choices to be displayed to users) to be performed [enabling users to select one of the choices causes an application that is executed on Proxy Server (207 fig.4) for sending the request header to the database network request, see fig.4, col.16 lines 21-59 and col.17 lines 2-31].

3. In argument of claim 3, page 7 of the Appeal Brief:

- The Appellant asserts that the Hobbs reference does not disclose “linking frames with the HTML documents” as cited by the Examiner and said function providing server also obtains a web page at a linking destination and performs a process for said obtained web page.

Examiner admits a typo error. “HTML:” should be read as “HTML”.

Examiner respectfully point out that Hobbs discloses “linking frames with the HTML documents” as disclosed in Hobbs's fig.8, col.18 line 49 to col.19 line 53 and col.24 lines 23-51. In fig.8, Hobbs discloses frames 1 to 4 of the browser windows filled with multimedia content from both the Proxy Server and Database Server. The frames include HTML document referred to source element loaded in the named frames. Hobbs also discloses a said function providing server (Document Server of fig.12) also obtains a web page at a linking destination and performs a process for said obtained web page (using the Document server to provide the originating HTML document scrolled to the exact place directly to the browser or to the Proxy Server, see fig.8, col.18 line 49 to col.19 line 53 and col.24 lines 23-51).

4. In the argument of claim 18, pages 7-8 of the Appeal Brief:

- The Appellant asserts that the Hobbs reference does not disclose indicia of a first language and a second language.

Examiner respectfully point out that Hobbs discloses an indicia of a first language and a second language [i.e., using a gateway in any application program that receives data from a browser or other HTTP server converts it into a form the database can understand (HTML conversion)]. For example, Hobbs discloses a newsletter (first language) converted into HTML document (second language) prepared to publish on the World Wide Web, see fig.5, col.13 lines 41-65 and col.15 lines 29-57).

5. In the argument of claim 5, page 8 of the Appeal Brief:

- The Appellant asserts that Hobbs does not disclose the function execution request object is *one* of a button, a banner a linking keyword, and an image data.

Examiner respectfully point out that Hobbs disclose the function execution request object (request header from client) is one of a button, a banner, a linking keyword, and an image data [i.e., user at the client browser to send request headers to the third network resource such as Database Server (211 fig.4)]; the request header includes a series of frames, graphic symbols, *buttons* and a various types of content such as words, video data, *images* and sentences into a

web document (see Hobbs' fig.5, col.15 lines 7-63). The request header of Hobbs meets the Appellant's claimed limitation because Hobbs discloses a request including a button and/or image data.

6. In the argument of claims 6 and 7, page 9 of the Appeal Brief:

Appellant's arguments are similar to claim 5. Please refer to Examiner's responses for claim 5 above.

7. In the argument of claim 20, page 9 of the Appeal Brief:

Appellant's arguments are similar to claim 18. Please refer to Examiner's responses for claim 18 above.

8. In the argument of claim 11, pages 9-10 of the Appeal Brief:

- The Appellant asserts that Hobbs does not disclose translating process configured to translate, at least in part, the web page from a first language to a second language

Examiner respectfully point out that Hobbs discloses translating process configured to translate, at least in part, the web page from a first language to a second language [receiving data from a browser or other HTTP server and converting it into a form the database can understand (HTML conversion), see fig.3, col.13 lines 18-65 and col.15

lines 29-66]. For example, Hobbs discloses a newsletter (first language) converted into HTML document (second language) prepared to publish on the World Wide Web, see fig.5, col.13 lines 41-65 and col.15 lines 29-66).

9. In the argument of claim 12, pages 10-11 of the Appeal Brief:

Appellant's arguments are similar to claim 5. Please refer to Examiner's responses for claim 5 above.

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10. In the argument of claim 22, page 11 of the Appeal Brief:

- The Appellant asserts that Hobbs does not disclose a functioning providing server is configured to translate, at least in part, the web page from a first language to a second language

Examiner respectfully point out that Hobbs discloses a functioning providing server (Document Server 202 fig.4) is configured to translate, at least in part, the web page from a first language to a second language [receiving data from a browser or other HTTP server and converting it into a form the database can understand (HTML conversion), see fig.3, col.13 lines 18-65 and col.15 lines 29-66]. For example, Hobbs discloses a newsletter (first language) converted into

HTML document (second language) prepared to publish on the World Wide Web, see also fig.5, col.13 lines 41-65 and col.15 lines 29-66).

11. In the argument of claim 13, pages 11-12 of the Appeal Brief:

Appellant's arguments are similar to claim 11. Please refer to Examiner's responses for claim 11 above.

12. In the argument of claim 14, page 12 of the Appeal Brief:

- The Appellant asserts that Hobbs does not disclose the function execution request object is *one* of a button, a banner a linking keyword, and an image data.

Examiner respectfully point out that Hobbs disclose the function execution request object (request header from client) is one of a button, a banner, a linking keyword, and an image data [i.e., user at the client browser to send request headers to the third network resource such as Database Server (211 fig.4)]; the request header includes a series of frames, graphic symbols, *buttons* and a various types of content such as words, video data, *images* and sentences into a web document (see Hobbs' fig.5, col.15 lines 7-63). The request header of Hobbs meets the Appellant's claimed limitation because Hobbs discloses a request including a button and/or image data.

13. In the argument of claim 24, pages 12-13 of the Appeal Brief:

- The Appellant asserts that the Hobbs reference does not disclose indicia of a first language and a second language.

Examiner respectfully point out that Hobbs discloses an indicia of a first language and a second language [i.e., using a gateway in any application program that receives data from a browser or other HTTP server converts it into a form the database can understand (HTML conversion)]. For example, Hobbs discloses a newsletter (first language) converted into HTML document (second language) prepared to publish on the World Wide Web, see fig.5, col.13 lines 41-65 and col.15 lines 29-57).

14. In the argument of claim 15, page 13 of the Appeal Brief:

- The Appellant asserts that Hobbs does not disclose translating process configured to translate, at least in part, the web page from a first language to a second language

Examiner respectfully point out that Hobbs discloses translating process configured to translate, at least in part, the web page from a first language to a second language [receiving data from a browser or

other HTTP server and converting it into a form the database can understand (HTML conversion), see fig.3, col.13 lines 18-65 and col.15 lines 29-66]. For example, Hobbs discloses a newsletter (first language) converted into HTML document (second language) prepared to publish on the World Wide Web, see fig.5, col.13 lines 41-65 and col.15 lines 29-66).

15. In the argument of claim 25, pages 13-14 of the Appeal Brief:

- The Appellant asserts that the Hobbs reference does not disclose indicia of a first language and a second language.

Examiner respectfully point out that Hobbs discloses an indicia of a first language and a second language [i.e., using a gateway in any application program that receives data from a browser or other HTTP server converts it into a form the database can understand (HTML conversion)]. For example, Hobbs discloses a newsletter (first language) converted into HTML document (second language) prepared to publish on the World Wide Web, see fig.5, col.13 lines 41-65 and col.15 lines 29-57).

16. In the argument of claim 16, page 14 of the Appeal Brief:

- The Appellant asserts that Hobbs does not disclose the function execution request object is *one* of a button, a banner a linking keyword, and an image data.

Examiner respectfully point out that Hobbs disclose the function execution request object (request header from client) is one of a button, a banner, a linking keyword, and an image data [i.e., user at the client browser to send request headers to the third network resource such as Database Server (211 fig.4)]; the request header includes a series of frames, graphic symbols, *buttons* and a various types of content such as words, video data, *images* and sentences into a web document (see Hobbs' fig.5, col.15 lines 7-63). The request header of Hobbs meets the Appellant's claimed limitation because Hobbs discloses a request including a button and/or image data.

17. In the argument of claim 28, page 14 of the Appeal Brief:

- The Appellant asserts that Hobbs does not disclose translating process configured to translate, at least in part, the web page from a first language to a second language

Examiner respectfully point out that Hobbs discloses translating process configured to translate, at least in part, the web page from a first language to a second language [receiving data from a browser or

other HTTP server and converting it into a form the database can understand (HTML conversion), see fig.3, col.13 lines 18-65 and col.15 lines 29-66]. For example, Hobbs discloses a newsletter (first language) converted into HTML document (second language) prepared to publish on the World Wide Web, see fig.5, col.13 lines 41-65 and col.15 lines 29-66).

Regarding Group II, pages 15-16 of the Appeal Brief are directed to these claims.

1. In the argument of claim 4, pages 15-16 of the Appeal Brief:

The Appellant asserts that neither Hobbs nor Gabbard expresses any appreciation of the business model of receiving advertising avenue from the functioning server recited in claim 1.

Examiner respectfully disagrees. Examiner respectfully point out the benefit of the combination of Hobbs and Gabbard (see Gabbard's col.4 lines 12-36). In the final Office Action, Examiner stated the benefit of the combination, as "it would have allowed users to insert into an end user communication message into the background reference after receiving the original message sent from an end user and before sending the message to be delivered to an end user". Furthermore, in response to applicant's argument that neither Hobbs nor Gabbard expresses any appreciation of the business

model of receiving advertising avenue from the functioning server, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

2. In the argument of claims 8-10, page 16 of the Appeal Brief:

- The Appellant asserts that there is no motivation in the record to combine the references.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have allowed users to insert into an end user communication message into the background reference after receiving the original message sent from an end user and before sending the message to be delivered to an end user (see Gabbard's col.4 lines 12-36).

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Khanh Dinh

Khanh Dinh
Primary Examiner
Art Unit 2151

Conferees:

Zarni Maung

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER